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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/049,161    03/26/98    CHISHOLM

G    002240.P015D

EXAMINER

PM82/1117

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ART UNIT	PAPER
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DATE MAILED: 11/17/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

**Application No.**

09/049,161

**Applicant(s)**

CHISHOLM ET AL.

**Examiner**

Olga Hernandez

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2000.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-14 is/are rejected.
- 7) ☒ Claim(s) 15-20 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

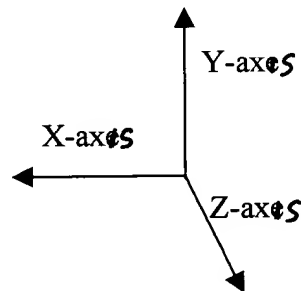
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**DETAILED ACTION*****Response to Amendment******Response to Arguments***

Applicant's arguments filed 10/23/00 have been fully considered but they are not persuasive.

Morimoto and Ito, both are teaching the same invention claimed by the applicant.

Attitude is used to describe the orientation of 3-dimensional aspect of something. Therefore, it can be apply to this case because we are talking about x, y and z, where the vehicle can be identified by this too. As an example:



Most of the time the car is with a value of '0' in the Y-axis, because its height does not vary as vary the steering wheel. In case of a mountain, we see the difference in the Y-axis, because its height varies too.

***Drawings***

Figures 1, 3a, 3b and 4a-4d should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11, 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Morimoto et al, US Patent No. 5,821,880.

As per claim 11, Morimoto et al discloses the same invention claimed by the applicant. Morimoto et al teaches a GPS receiver (figure 1) and how to display the guidance and orientation information and the desired position of the structure/vehicle (column 7 and figures 2-4, 10, 17-19, 21, 25-27). Although Morimoto et al does not disclose a system bus, it is inherent that it exists. Otherwise the GPS system would not operate.

As per claim 12, it is inherent that the communication system is coupled to a GPS receiver and to a system bus, it can not work. Further, whether the communication system does not provide a link between a GPS receiver and a microprocessor, it can not work, either.

Claims 11, 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al, US Patent No. 5,729,217.

As per claim 11, Ito et al discloses the same invention claimed by the applicant. Ito et al teaches a GPS receiver (figure 1) and how to display the guidance (column 18) and orientation information and the desired position of the structure/vehicle (column 7 and figures 2-4, 10, 17-

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19, 21, 25-27). Although Ito et al does not disclose a system bus, it is inherent that it exists.

Otherwise the GPS system would not operate.

As per claim 12, it is inherent that the communication system is coupled to a GPS receiver and to a system bus, it can not work. Further, whether the communication system does not provide a link between a GPS receiver and a microprocessor, it can not work, either.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al, US Patent No. 5,821,880.

As per claim 13, the use of a two-way communication system is old and well known in the art.

As per claim 14, the use of an optical communication system is old and well known in the art.

Claims 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Ito et al, US Patent No. 5,729,217.

As per claim 13, the use of a two-way communication system is old and well known in the art.

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As per claim 14, the use of an optical communication system is old and well known in the art.

*Allowable Subject Matter*

Claims 15-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

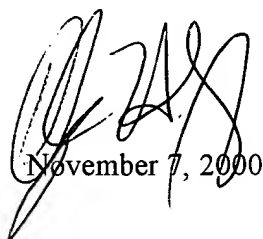
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Hernandez whose telephone number is (703) 305-0918. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



November 7, 2000

Olga Hernandez  
Examiner  
Art Unit 3661



WILLIAM A. CUCHLINSKI, JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600